

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

| | APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|--|---|-----------------|----------------------|-------------------------|------------------|--|
| | 10/060,200 | 02/01/2002 | Masato Oshika | 218797US0 | 7492 | |
| | 22850 | 7590 05/10/2004 | 05/10/2004 | | EXAMINER | |
| | OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. | | | ELHILO, EISA B | | |
| | 1940 DUKE STREET ALEXANDRIA, VA 22314 | | ART UNIT | PAPER NUMBER | | |
| | | | | 1751 | | |
| | | | | DATE MAILED: 05/10/2004 | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Notice OF ALLOWABILITY IS NOT A GRANT OF PATENT RICHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. 1. ☑ This communication is responsive to IDS flied on 3/4/2004. 2. ☑ The allowed claim(s) is/are 1.3 and 6-18. 3. ☐ The drawings filed on are accepted by the Examiner. 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)(d) or (f). a) ☐ All b) ☐ Some* o ☐ None of the: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). 4. ☐ Acknowledgment is not received: | | | ~\^ |
|--|--|--|---|
| | . // | Application No. | Applicant(s) |
| | and and the same as the | 10/060,200 | OSHIKA ET AL. |
| | >(I I) (Grad Motice of Allowability | Examiner | Art Unit |
| All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herevith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the Initiative of the Office or upon petition by the applicant. See 37 CFR. 1313 and MPEP 1308. 1. A This communication is responsive to 105 filed on 3/4/2004. 2. The allowed claim(s) Is/are 1-3 and 6-18. 3. The drawings filed on are accepted by the Examiner. 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. \$ 119(a)-(d) or (f). a) All b) Some* o None of the: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in Application No 4. Certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). 4. **Certified copies not received: | 4 / | Eisa B Elhilo | 1751 |
| 2. \[\text{The allowed claim(s) is/are \$1-3 \text{ and \$6-18} \] 3. \[\text{The drawings filed on } \ \text{are accepted by the Examiner.} \] 4. \[\text{Acknowledgment is made of a claim for foreign priority under 35 U.S.C. \(\) \(\) 119(a)-(d) or (f). \\ a) \[\text{All b} \) \\ \\ \\ \) \\ \\ \\ \ \\ \\ \\ \\ \ | All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI | (OR REMAINS) CLOSED in this apport or other appropriate communication GHTS. This application is subject to | plication. If not included i will be mailed in due course. THIS |
| 3. The drawings filed on are accepted by the Examiner. 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of the: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in Application No 4. Certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). * Certified copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). * Certified copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). * Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached Examiner APPLICATION (PTO-152) which gives reason(s) with the oath or declaration is deficient. (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) to Paper No./Mail Date | 1. This communication is responsive to IDS filed on 3/4/2004 | | |
| 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of the: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies not received: | 2. The allowed claim(s) is/are <u>1-3 and 6-18</u> . | | |
| a) | 3. The drawings filed on are accepted by the Examine | г. | |
| noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☐ to Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date (b) ☐ including changes required by the Notice 9 Tof. \$3. ☐ Notice of Informal Patent Application (Note the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Partity Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 7. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 8. ☐ Comment Statement of Reasons for Allowance of Biological Material 9. ☐ Other 3. ☐ Other 3. ☐ Notice of Informal Patent Application (PTO-152) 8. ☐ Examiner's Statement of Reasons for Allowance of Biological Material | a) All b) Some* c) None of the: 1. Certified copies of the priority documents have 2. Certified copies of the priority documents have 3. Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)). | been received. been received in Application No | |
| INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 6. | noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. | IENT of this application. | |
| (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. Notice of References Cited (PTO-892) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 3/24/2004 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material 9. Other Brian P Matic Patenacy Examiner **Temacy Examiner** | A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give | itted. Note the attached EXAMINER es reason(s) why the oath or declara | 'S AMENDMENT or NOTICE OF ation is deficient. |
| Attachment(s) 1. □ Notice of References Cited (PTO-892) 2. □ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 3/24/2004 4. □ Examiner's Comment Regarding Requirement for Deposit of Biological Material 5. □ Notice of Informal Patent Application (PTO-152) 6. □ Interview Summary (PTO-413), Paper No./Mail Date 7. □ Examiner's Amendment/Comment 8. ☒ Examiner's Statement of Reasons for Allowance of Biological Material 9. □ Other 3. ☒ Examiner's Statement of Reasons for Allowance of Biological Material | (a) ☐ including changes required by the Notice of Draftspers 1) ☐ hereto or 2) ☐ to Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1) | on's Patent Drawing Review (PTO- s Amendment / Comment or in the C .84(c)) should be written on the drawin | Office action of ngs in the front (not the back) of |
| Notice of References Cited (PTO-892) Notice of Informal Patent Application (PTO-152) Notice of Informal Patent Application (PTO-152) Interview Summary (PTO-413), Paper No./Mail Date | 7. DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT | sit of BIOLOGICAL MATERIAL I FOR THE DEPOSIT OF BIOLOGIC | must be submitted. Note the AL MATERIAL. |
| 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 9. ☐ Other Brian P Mich. Primary Examiner's Statement of Reasons for Allowance 9. ☐ Other Primary Examiner's Statement of Reasons for Allowance | Notice of References Cited (PTO-892) Notice of Draftperson's Patent Drawing Review (PTO-948) ✓ Information Disclosure Statements (PTO-1449 or PTO/SB/0 | 6. ☐ Interview Summary Paper No./Mail Da | (PTO-413), te |
| , will CEMPT I'M | 4. Examiner's Comment Regarding Requirement for Deposit | <u></u> | Brian F. Muc BRIAN P MRUL |

Application/Control Number: 10/060,200 Page 2

Art Unit: 1751

DETAILED ACTION

1. The information disclosure statement (IDS) submitted on March 24, 2004 was filed after the mailing date of the Notice of Allowance on 3/15/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

- Claims 1-3 and 6-18 are allowed.
 STATEMENT OF SUPPLEMENTAL REASONS FOR ALLWANCE
- 3. The following is an examiner's statement of supplemental reasons for allowance:

The references cited and listed on the attached form PTO-1449, do not teach or suggest a γ -hexanolactone or γ -heptanolactone as required in the instant amended claims. Accordingly, the claimed subject matter as a whole would not have been obvious to one having ordinary skill in the art of hair dyeing formulation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B Elhilo whose telephone number is (571) 272-1315. The examiner can normally be reached on M - F (8:00 -5:30) with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 10/060,200

Art Unit: 1751

Page 3

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eisa Elhilo

Erse all

May 6, 2004

Brun P. Muse

BRIAN P. MRUX

PRIMARY ExaminER

TECH CENTER 1700